

LEGISLATURE OF NEBRASKA  
NINETY-SEVENTH LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 71**  
FINAL READING

Introduced by Kristensen, 37; Chambers, 11

Read first time January 4, 2001

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to elections; to amend sections 14-201.03,  
2 32-538, 32-553, and 32-555, Reissue Revised Statutes of  
3 Nebraska; to authorize the city council of a city of the  
4 metropolitan class to redraw its own district boundaries  
5 as prescribed; to change provisions relating to cities  
6 with the city manager plan of government; to harmonize  
7 provisions; to provide operative dates; to repeal the  
8 original sections; and to declare an emergency.  
9 Be it enacted by the people of the State of Nebraska,

1           Section 1.   Section 14-201.03, Reissue Revised Statutes  
2 of Nebraska, is amended to read:

3           14-201.03. The election commissioner in any county in  
4 which is situated a city of the metropolitan class shall divide the  
5 city into seven city council districts of compact and contiguous  
6 territory. Such districts shall be numbered consecutively from one  
7 to seven. One council member shall be elected from each ~~such~~  
8 district. ~~The election commissioner shall redraw the boundaries of~~  
9 ~~such districts, maintaining the compact and contiguous nature of~~  
10 ~~each, when such districts are no longer substantially equal in~~  
11 ~~population~~ city council shall be responsible for redrawing the city  
12 council district boundaries pursuant to section 32-553.

13           Sec. 2.   Section 32-538, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15           32-538. (1) In a city which adopts the city manager plan  
16 of government pursuant to sections 19-601 to 19-610, the number of  
17 city council members shall be determined by the class and  
18 population of the city. In cities having one thousand or more but  
19 not more than forty thousand inhabitants, there shall be five  
20 members, and in cities having more than forty thousand but less  
21 than two hundred thousand inhabitants, there shall be seven  
22 members, except that in cities having between twenty-five thousand  
23 and forty thousand inhabitants, the city council may by ordinance  
24 provide for seven members. Council members shall be elected from  
25 the city at large unless the city council by ordinance provides for  
26 the election of all or some of its council members by wards, the  
27 number and boundaries of which are provided for in section 16-104.  
28 Council members shall serve for terms of four years or until their

1 successors are elected and qualified, ~~except as provided for the~~  
2 ~~first election under an ordinance changing the number of council~~  
3 ~~members or their manner of election.~~ The council members shall  
4 meet the qualifications found in sections 19-613 and 19-613.01.

5           The first election under an ordinance changing the number  
6 of council members or their manner of election shall take place at  
7 the next regular city election. Council members whose terms of  
8 office expire after the election shall continue in office until the  
9 expiration of the terms for which they were elected and until their  
10 successors are elected and qualified. ~~and shall be for all council~~  
11 ~~members irrespective of their manner of election.~~ The  
12 ~~qualification of the candidates elected at such first election~~  
13 ~~shall end the terms of those council members in office whose terms~~  
14 ~~have not otherwise expired.~~ If all council members are elected at  
15 large at the first election, ~~the bare majority of council members~~  
16 ~~receiving the highest number of votes shall serve for four years~~  
17 ~~and the others for two years.~~ At the first election under an  
18 ordinance changing the number of council members or their manner of  
19 election, one-half or the bare majority of council members elected  
20 at large, as the case may be, who receive the highest number of  
21 votes shall serve for four years and the other or others, if  
22 needed, for two years. At such first election, one-half or the  
23 bare majority of council members, as the case may be, who are  
24 elected by wards shall serve for four years and the other or  
25 others, if needed, for two years, as provided in the ordinance. If  
26 only one council member is to be elected at large at such first  
27 election, such member shall serve for four years.

28           (2) Commencing with the statewide primary election in

1 1976, and every two years thereafter, those candidates whose terms  
2 will be expiring shall be nominated at the statewide primary  
3 election and elected at the statewide general election.

4 Sec. 3. Section 32-553, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6 32-553. (1) When any political subdivision except a  
7 public power district nominates or elects members of the governing  
8 board by districts, such districts shall be substantially equal in  
9 population as determined by the most recent federal decennial  
10 census. Any such political subdivision which has districts in  
11 place on the date the census figures used in drawing district  
12 boundaries for the Legislature are required to be submitted to the  
13 state by the United States Department of Commerce, Bureau of the  
14 Census, shall, if necessary to maintain substantial population  
15 equality as required by this subsection, have new district  
16 boundaries drawn within six months after the passage and approval  
17 of the legislative bill providing for reestablishing legislative  
18 districts. Any such political subdivision in existence on the date  
19 the census figures used in drawing district boundaries for the  
20 Legislature are required to be submitted to the state by the United  
21 States Department of Commerce, Bureau of the Census, and which has  
22 not established any district boundaries shall establish district  
23 boundaries pursuant to this section within six months after such  
24 date. If the deadline for drawing or redrawing district boundary  
25 lines imposed by this section is not met, the procedures set forth  
26 in section 32-555 shall be followed.

27 (2) The governing board of each such political  
28 subdivision shall be responsible for drawing its own district

1 boundaries and shall, as nearly as possible, follow the precinct  
2 lines created by the election commissioner or county clerk after  
3 each federal decennial census, except that ~~the election~~  
4 ~~commissioner of any county in which a city of the metropolitan~~  
5 ~~class is located shall draw district boundaries for such city as~~  
6 ~~required under this section and section 14-201.03 and the election~~  
7 commissioner of any county in which a Class IV or V school district  
8 is located shall draw district boundaries for such school district  
9 as provided in this section and section 32-552.

10           Sec. 4.     Section 32-555, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12           32-555. (1) Except as provided in subsection (4) of this  
13 section, if the governing board of any city, village, county, or  
14 school district which nominates or elects members to the board by  
15 district or ward fails to draw district boundaries by the date  
16 established in subsection (1) of section 32-553 or subsection (4)  
17 of section 32-554, the county attorney of the county in which the  
18 board is located shall file an action in the district court for the  
19 purpose of ordering the board to draw district boundaries. If  
20 within six months after the receipt of such order the board does  
21 not comply, the members of the board shall be subject to removal  
22 and the court shall order the Secretary of State to draw district  
23 boundaries in accordance with the most recent federal decennial  
24 census. Any vacancy resulting from such removal from office shall  
25 be filled as provided by law.

26           (2) If the county attorney fails to file the action  
27 required by subsection (1) of this section, he or she shall be  
28 subject to removal from office. If the county attorney fails to

1 file such action, any citizen within the jurisdiction of the  
2 governing board may file the action. The court shall order the  
3 board to pay any costs and attorney's fees involved in such action.

4 (3) If an election commissioner required to draw district  
5 boundaries for a city of the metropolitan class any county having  
6 more than three hundred thousand inhabitants pursuant to ~~section~~  
7 sections 23-151 and 32-553 fails to do so, the election  
8 commissioner shall be subject to (a) suit by the county attorney  
9 for the purpose of ordering the drawing of district boundaries, (b)  
10 removal from office pursuant to section 32-214 for failure to  
11 comply with an order to draw district boundaries within six months  
12 of receipt of such order, and (c) suit by any citizen for the  
13 purpose of ordering the drawing of district boundaries and shall be  
14 obligated to pay any costs and attorney's fees involved in any such  
15 action.

16 (4) If the county board of any county having more than  
17 three hundred thousand inhabitants fails to complete the process of  
18 drawing district boundaries as provided for in sections 23-151 and  
19 32-553, the procedures set forth in subdivision (3)(b) of section  
20 23-151 shall be followed.

21 Sec. 5. Sections 2 and 6 of this act become operative  
22 three calendar months after the adjournment of this legislative  
23 session. The other sections of this act become operative on May  
24 16, 2001.

25 Sec. 6. Original section 32-538, Reissue Revised  
26 Statutes of Nebraska, is repealed.

27 Sec. 7. Original sections 14-201.03, 32-553, and 32-555,  
28 Reissue Revised Statutes of Nebraska, are repealed.

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1                   Sec. 8. Since an emergency exists, this act takes effect  
2 when passed and approved according to law.